

What is the legal effect of a patent? *Jay v. Van Bibber*, 94 Md. 690; *Armstrong v. Bittinger*, 47 Md. 108; *Brown v. Shilling*, 9 Md. 80.

By a patent, the state warrants that the grant contains the number of acres specified. How a deficiency is made up. *Hoffman v. Johnson*, 1 Bl. 103. See also *Tolson v. Lanahan*, 2 H. & J. 175.

A patent passes nothing unless the land described is susceptible of location. Description in certificate of survey. *Wilson v. Inloes*, 6 Gill, 121. See also *Budd v. Brooke*, 3 Gill, 198.

A patent, when granted, relates back to date of warrant. Legislature may direct commissioner to issue patent, but cannot annul patent already issued. *Smith v. Devecmon*, 30 Md. 481; *Owings v. Norwood*, 2 H. & J. 96; *Chesapeake, etc., Canal Co. v. B. & O. R. R. Co.*, 4 G. & J. 6; *Garretson v. Cole*, 2 H. & McH. 459. *Cf. Attorney-General v. Snowden*, 1 H. & J. 332; *Kelly v. Greenfield*, 2 H. & McH. 121.

Patentee of land covered by navigable water takes subject to public rights of fishery and navigation. *Hammond v. Inloes*, 4 Md. 173; *Baltimore v. McKim*, 3 Bl. 453; *Wilson v. Inloes*, 11 G. & J. 359; *Browne v. Kennedy*, 5 H. & J. 195.

A patent issued under a presumption that only certain lands are included in it is good as to lands properly included. *Jarrett v. West*, 1 H. & J. 501. *Cf. State v. Reed*, 4 H. & McH. 11.

A legal title is acquired by a patent although the certificate of survey did not lay six months in the land office. Proof that a certificate of survey was forged. *Boreing v. Singery*, 4 H. & McH. 403, and note (b).

Where the applicant dies after the return of the certificate and before the grant, the patent is invalid. *Potter v. Purnell*, 1 H. & McH. 208.

### Caveats.

Nature of a caveat and grounds upon which it may be entered. *Cunningham v. Browning*, 1 Bl. 299.

What is a sufficient caveat? Letter and verbal notice, held insufficient. *Jay v. Van Bibber*, 94 Md. 689.

Caveat will not be dismissed because caveator fails to show an interest in matter in dispute. *Armstrong v. Bittinger*, 47 Md. 111; *Patterson v. Gelston*, 23 Md. 446 (overruling on this point, *Gittings v. Moale*, 21 Md. 135); *Chisholm v. Perry*, 4 Md. Ch. 32.

After a patent has been issued, the authority of the land office is ended, and no caveat can be filed. *Jay v. Van Bibber*, 94 Md. 690; *Steyer v. Hoyer*, 12 G. & J. 203; *Cunningham v. Browning*, 1 Bl. 321.

### Fraud.

A patent fraudulently obtained is void, and the estate passes to a second patentee. *Boring v. Lemmon*, 5 H. & J. 225.

For patents annulled in equity because obtained fraudulently and contrary to rules of land office, see *Smith v. State*, 2 H. & McH. 247; *Proprietary v. Jennings*, 1 H. & McH. 92; *Hoyer v. Johnston*, 2 Gill, 316; *Attorney-General v. Snowden*, 1 H. & J. 332; *Seward v. Hicks*, 1 H. & McH. 22. *Cf. Garretson v. Cole*, 1 H. & J. 370, and *Cook v. Carroll*, 6 Md. 104; *Railroad v. Hoyer*, 2 Bl. 261, note (b). See also *Singery v. Attorney-General*, 2 H. & J. 487; *Norwood v. Attorney-General*, 2 H. & McH. 201; *Smith v. State use of Yates*, 2 H. & McH. 244.

An equitable title to vacant lands will prevail over a legal title obtained by fraud. *Hoyer v. Johnston*, 2 Gill, 292.

The proprietary only can complain of a fraud practiced on him. *Wilson v. Inloes*, 6 Gill, 121.

### Generally.

The proceedings of the commissioner may be reviewed or controlled by courts. The pendency of proceedings to obtain a patent does not oust jurisdiction of equity, though such jurisdiction will not ordinarily be exercised. *Goodsell v. Lawson*, 42 Md. 370. See also *West v. Jarrett*, 1 H. & J. 538; *Ringgold v. Malott*, 1 H. & J. 316.

Where two certificates of survey and grants bear same date, he who got the earlier warrant prevails, although other party's grant was actually issued first. *Karn v. Hughes*, 3 H. & J. 210. See also *Attorney-General v. Jarrett*, 2 H. & J. 472.

The commissioner's duty under this section where there is no contest is ministerial only; *contra*, if there is a contest. *Jay v. Van Bibber*, 94 Md. 689. See also *Cook v. Carroll*, 6 Md. 112.

When a patent will be issued. *Day v. Day*, 22 Md. 538; *Chapman v. Hoskins*, 2 Md. Ch. 486; *The Railroad v. Hoyer*, 2 Bl. 263; *Jones v. Bradley*, 4 Md. Ch. 167; *Dorothy v. Hillert*, 9 Md. 573; *Ridgely v. Johnson*, 1 Bl. 316, note (f).

A patent which has been illegally vacated in equity will sustain ejectment. *Beale v. Digges*, 1 H. & McH. 26.

The payment of composition money does not establish a contract between the state and the applicant. Effect of such payment. *Day v. Day*, 22 Md. 538. See also *Attorney General v. Snowden*, 1 H. & J. 332; *Steuart v. Donaldson*, 5 H. & J. 429.